

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALE HARVEY,

Petitioner,

v.

GARANN ROSE MEANS,

Respondent.

CASE NO. 2:23-cv-1712

ORDER

At an in-person hearing on December 19, 2023, the Court heard argument on Respondent Garann Rose Means's motion to continue the scheduled evidentiary hearing on Petitioner Dale Harvey's petition for the return of their children under the Hague Convention. After thoroughly considering the motion, Petitioner's response, the relevant record, and the parties' arguments, the Court GRANTS Means's motion to continue the hearing. Dkt. No. 40.

Means has only recently appeared in the case, and she is seeking an attorney to represent her given the complexities of international child custody disputes. *See* Dkt. No. 40. During the hearing, Means detailed her attempts to find counsel so far, and she expects to hear from an attorney about possible representation soon.

Moreover, given the nature of Means's anticipated defenses to the petition, including claims of child abuse, additional time is needed to prepare for the hearing. Beyond delaying the proceedings, which have been pending for five weeks, Harvey did not articulate prejudice caused by a continuance. On this record, the Court finds good cause to continue the evidentiary hearing to a later date.

To allow the Court to set a new date, the parties are directed to submit separate status reports¹ to the Court by December 29, 2023, addressing the issues below:

1. The number of hours the parties anticipate needing for their case during the evidentiary hearing. The Court anticipates holding a six (6) hour, in-person evidentiary hearing total.
2. Any suggestions for shortening or simplifying the case.
3. Whether and to what extent the parties anticipate engaging in discovery and the date by which discovery will be completed.
4. Any dates on which the parties or counsel may have conflicts or other complications to be considered in setting a hearing date in January 2024.
5. The date the parties will be ready for an evidentiary hearing on the merits of the petition and all related due dates, including exchange of witness/exhibit lists, prehearing statements, and pretrial motions. The

¹ Ordinarily, the Court would order the parties to meet and confer, but the King County Superior Court issued a Protection Order restricting communications between the parties. *See* Dkt. 46-2. The Court takes no position at this time whether the Protection Order limits Harvey's ability to communicate through counsel with Means's outside the courtroom about this case.

1 Court has identified January 19 or January 24, 2024, as possible hearing
2 dates, but the parties may propose alternative dates in January 2024.

3 While the Court recognizes that Means is working to secure counsel, failure
4 to hire an attorney is no excuse for failure to comply with the Court's Order. In
5 other words, the parties must submit the required status report regardless of their
6 representations status.

7 If any party intends to appear at the hearing *pro se*, or without legal counsel
8 to represent them, they are directed to review the resources provided by this
9 District entitled Representing Yourself that are available online at
10 <https://www.wawd.uscourts.gov/representing-yourself-pro-se>.

11 Finally, the Court finds good cause to modify the Preliminary Injunction to
12 strike the requirement that Means post a bond in the amount of no less than \$25,000.
13 Dkt. Nos. 20, 34. Means is unemployed and lacks the ability to post a bond. So long as
14 she remains cooperative with the Court and continues to participate in the proceedings,
15 the Court will not require a bond to deter subsequent concealment to remedy violations
16 of the Court's injunction. *But see* Hague Convention on the Civil Aspects of
17 International Child Abduction, Art. 22 ("No security, bond or deposit, however
18 described, shall be required to guarantee the payment of costs and expenses in the
19 judicial or administrative proceedings falling within the scope of this Convention.").

20 Dated this 19 day of December, 2023.

21 

22 Jamal N. Whitehead
23 United States District Judge